

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ORDER :
Motion granted.
Detention hearing is
scheduled for August 7,
2014, at 11:00 A.M.
John Bryant
USMJ

IN RE ABRAHAM AUTZALAM CHOX
Material Witness

Case No. 3:14-MJ-3266

Hon.

MOTION TO SET DETENTION HEARING

Material Witness Autzalam Chox respectfully requests that this Court set a detention hearing in his case as soon as possible. On June 30, 2014, this material witness appeared and waived his right to a detention hearing but reserved the right to raise the issue of detention upon motion. (Detention Order, D.E. 71).

On July 29, 2014, this material witness presented himself to give testimony at a deposition noticed by the government. (Notice of Deposition, D.E. 72). Both of the two named defendants in Case No. 3:14-00100 against whom the testimony was offered by the government were present and/or represented by counsel and were able to cross-examine the material witness with the testimony recorded by stenographic means.

Under 18 U.S.C. 3144, no "material witness may be detained because of inability to comply with any condition of release if the testimony of such witness can adequately be secured by deposition, and if further detention is not necessary to prevent a failure of justice. Release of a material witness may be delayed for a reasonable period of time until the deposition of the witness can be taken pursuant to the Federal Rules of Criminal Procedure."

The government is expected to agree to release on conditions with instructions that the material witness should return for the trial of the defendants if he is available and upon him giving the court a valid physical address where he can be reached.

Therefore, Material Witness Autzalam Chox requests that this Court set an expeditious